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PARTÉ OFICIAL

A N A C T

Concerning PROCEDURE IN JURY TRIALS.

(Continuation.)

Drawing Jurors.

Section 15.—Cases where the defendants have elected to be tried by jury, shall be tried in sequence as far as may be practicable.

Section 16.—Whenever the criminal business of the District Court requires the attendance of trial jury, and no jury is in attendance, the court may make an order directing that a Trial Jury be drawn and summoned to attend before said court. Such order must specify the number of jurors to be drawn, which shall not exceed twenty four, and the time at which the jurors are required to attend. And the Court may direct that criminal cases, in which a jury may be required, be continued and fixed for trial when a jury shall be in attendance.

Section 17.—Immediately upon the order mentioned in the preceding section, being made, the Secretary or Clerk of the Court, shall, in the presence of the Judges, proceed to draw the jurors from the box, as follows:

1st.—The Secretary or Clerk must shake the box containing the names of the two hundred trial jurors so as to mix the slips of paper upon which the names are written, and he shall then draw from said box as many slips of paper as are ordered by the Court.

2nd.—A minute of the drawing shall be entered on the Court records, and the name on each slip of paper so drawn shall appear also.

3rd.—If the name of any person is drawn from said box who is dead or who may have permanently removed from the District, or who is exempt from jury service, and the fact may be made to appear to the satisfaction of the judges the name of such person shall be omitted from the list, and another juror shall be drawn in his place. After the drawing shall be completed, the Secretary or Clerk shall make a copy of the list of names of the persons so drawn, and certify the same to be correct and also the date of the order, and of the drawing, and of the number of jurors drawn, and the time when, and the place where such jurors are required to appear. Such certificate and list shall then be delivered to a sheriff or of there be no sheriff then to some capable officer of the court for service.

Summoning Jurors.

Section 18.—The officer of the Court, as soon as he receives the list of jurors drawn, shall summon the persons named to attend the court at the time mentioned in the order, by leaving written notice to that effect at the jurors's place of residence, or by giving personal notice to each of them, and he shall then return the list to the court, specifying the names of those who have been summoned, and the manner in which each was notified.

Section 19.—If a sufficient number of trial jurors duly drawn and notified, do not attend, or cannot be obtained in the opinion of the Judges, without great delay or expense to form a jury, the Court may, in its discretion, direct the Secretary to draw from the box, in the presence of the Court, the names of as many persons as the Court deems sufficient for that purpose.

Section 20.—The sheriff or officer of the Court must forthwith notify each person so drawn, and make a return as prescribed heretofore in this article.

Fees and Mileage of Jurors.

Section 21.—Jurors shall receive One dollar and

fifty cents per diem, and where they live more than two miles from the Court, they shall be allowed ten cents per mile for going to Court and returning to their homes, where actual traveling has been done.

Failing to Appear.

Section 22.—If any person summoned to appear as trial juror fails, refuses, or neglects to appear, he shall be considered guilty of contempt of court, and may be fined by the Court in any sum not less than five dollars nor more than twenty five dollars; and if any person, when second order or attachment is issued, neglects or refuses to appear, he may be fined as above provided and imprisoned by the court not longer than ten days in the municipal jail.

Section 23.—The defendant must be personally present at the time of his trial, and his counsel may be with him at such time, and the Court shall always be open to the public during the time of such trial.

Challenging the Jury.

Section 24.—The defendant or his counsel may challenge trial jurors.

Section 25.—A challenge is an objection made to a trial juror, and is of two kinds:

1.—To the panel.

2.—To an individual juror.

Section 26.—When several defendants are tried together, they cannot sever their challenges, but must join therein.

Section 27.—The panel is a list of jurors returned to the sheriff or other designated official of the Court by serve at a particular court, or for the trial of a particular action.

Section 28.—A challenge to the panel is an objection made to all the jurors returned, and may be taken by either party.

Section 29.—A challenge to the panel only can be founded on a material departure from the forms prescribed in respect to the drawing and return of the jury as by this act provided in civil actions, or on the intentional omission of the officer of the Court to summon one or more of the jurors drawn.

Section 30.—A challenge to the panel must be taken before a juror is sworn, and must be in writing or be noted by the Secretary or Reporter, and must plainly and distinctly state the facts constituting the ground of challenge.

Section 31.—If the sufficiency of the facts alleged as ground of the challenge is denied, the adverse party may except to the challenge. The exception need not be in writing, but must be entered on the minutes of the Court or of the Secretary or Reporter, and thereupon the Court must proceed to try the sufficiency of the challenge, assuming the facts alleged therein to be true.

(To be continued.)

L E Y

Para un Decreto relativo á procedimientos en los juicios por Jurados.

(Continuación.)

Sorteo de Jurados.

Sección 15—Las causas en que los acusados prefiieran ser juzgados por un jurado, se verán por su turno mientras sea posible.

Sección 16—Siempre que los asuntos criminales del Tribunal del Distrito requieran la presencia del Jurado para juzgarlos y no se halle presente ninguno, el Tribunal puede dictar providencia disponiendo que se designe por sorteo un jurado para conocer de la causa y que se le cite á comparecer ante dicho Tribunal. Dicha providencia debe expresar el número de jurados que han de sacarse á la suerte, cuyo número no ha de exceder de veinte y cuatro, y el dia y hora

en que su presencia se requiere; y el Tribunal puede disponer que los juicios criminales en que pueda necesitarse un jurado, sigan su curso, y se les fije dia y hora para verse, en los que habrá de estar constituido dicho jurado.

Sección 17—Inmediatamente después de haberse dictado la providencia indicada en la sección anterior, el Secretario del Tribunal procederá, en presencia de los Jueces, á sacar de la urna los nombres de los jurados en la forma siguiente:

1—El Secretario agitará la urna que contiene las boletas con los nombres de los doscientos jurados, de manera que se mezclen todas, y entonces sacará de dicha urna tantas boletas como ordene el Tribunal.

2—Un acta del sorteo se depositará en los archivos del Tribunal, en cuya acta constará el nombre contenido en cada boleta que se haya sacado á la suerte.

3—Si en las boletas extraídas á la suerte de dicha urna apareciere el nombre de algún individuo que haya fallecido ó que haya mudado permanentemente su residencia fuera del Distrito, ó que esté exento de servir como jurado, y se comprueba tal hecho á satisfacción de los jueces, el nombre de dicho individuo se suprimirá en la lista de los Jurados y otro jurado se sacará por suerte para reemplazarlo. Despues de haberse llevado á cabo el sorteo, el Secretario sacará una copia de la lista de los individuos cuyos nombres han salido á la suerte, certificará la corrección de ella, consignará la fecha de la providencia y la del sorteo y el número de jurados que salieron de él y expresará el dia y hora y el local en donde se exige á dichos jurados que comparezcan. Dicha certificación junto con las listas expresadas se entregarán á un "Sheriff," y en su defecto á algún funcionario del Tribunal que esté capacitado para ejercer en él.

Citación de los jurados.

Sección 18—Tan luego haya recibido la lista de los Jurados sacados á la suerte, el "Sheriff," ó funcionario del Tribunal antes expresado, citará á los individuos designados en aquella para que se hallen presentes ante el Tribunal en el dia y hora fijados en la providencia, dejando copia de la notificación á dicho efecto en el domicilio de los jurados ó haciéndola personalmente á cada uno de ellos; y efectuado, devolverá la lista al Tribunal, expresando los nombres de los que han sido citados y la forma en que se ha hecho la citación.

Sección 19—Si no concurriese un número suficiente de jurados debidamente sacados á la suerte y notificados, ó no se pudieren obtener, á juicio de los Jueces, sin gran dilación ó gasto para la formación del jurado, el Tribunal, si lo estima procedente, puede ordenar al Secretario que, á presencia del propio Tribunal, extraiga de la urna los nombres de tantas personas como dicho Tribunal crea suficiente para aquel objeto.

Sección 20—El "Sheriff" ó el funcionario del Tribunal que lo sustituya, debe notificar enseguida á cada individuo, cuyo nombre en esa forma haya salido de la urna, su designación, y redactar una lista de los nuevamente sacados á la suerte, como se ha expresado anteriormente.

Derechos de los jurados y su remuneración por distancias recorridas.

Sección 21—Los jurados recibirán un dollar y cincuenta centavos por dia, si residen á más de dos millas de distancia del Tribunal, se les abonarán diez centavos por cada milla recorrida en ir al Tribunal y regresar á sus domicilios, en caso de haberse realmente verificado el viaje,